

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
VINYL MATERIALS, INC.,

Plaintiff,

ORDER

10-CV-0136(JS)(ARL)

-against-

PENN COLOR, INC.,

Defendant.

-----X  
DEITSCH PLASTIC CO., INC.,

Plaintiff,

11-CV-1610(JS)(ARL)

-against-

G&T INDUSTRIES, INC., VINYL MATERIALS,  
INC., and PENN COLOR, INC.,

Defendants.

-----X  
APPEARANCES

For Vinyl:

Rosaria A. Suriano, Esq.  
Todd M. Sahner, Esq.  
Marcus, Brody, Ford & Kessler  
5 Becker Farm Road  
Roseland, NJ 07068

Thomas George Aljian, Jr., Esq.  
Podvey Sachs  
One Riverfront Plaza  
Newark, NJ 07109

For Penn Color:

Robert M. Sullivan, Esq.  
Dana Brett Hoffman, Esq.  
Suzanna Marie Saia, Esq.  
The Sullivan Law Group  
1350 Broadway, Suite 1001  
New York, NY 10018

For Deitsch: Donald L. Kreindler, Esq.  
Jeremy D. Richardson, Esq.  
Phillips, Nizer, Benjamin, Krim & Ballon LLP  
666 Fifth Avenue  
New York, NY 10103

For G&T: Ted A. Berkowitz, Esq.  
Franklin C. McRoberts, IV, Esq.  
Farrell Fritz, P.C.  
1320 RexCorp Plaza  
Uniondale, NY 11556

SEYBERT, District Judge:

Counsel for the parties in the above-captioned cases participated in a telephone conference with the Court on September 13, 2011 to discuss possible consolidation. The Court finds that the issues in both cases are identical and consolidation is warranted to avoid the duplicative and unnecessary use of judicial resources. See FED. R. CIV. P. 42(a). As such, the Court ORDERS that Deitsch Plastic Co. v. G&T Indus., Inc., 11-CV-1610, and Vinyl Materials, Inc. v. Penn Color, Inc., 10-CV-0136, be consolidated. All future filings are to be docketed in the earlier-filed case, case number 10-CV-0136.

Further, the Court ORDERS that the Scheduling Order issued by Magistrate Judge Arlene Rosario Lindsay in case number 11-CV-1610 on August 17, 2011 (Docket No. 30) governs the consolidated action. The parties are directed to contact Judge Lindsay to cancel the final conference in case number 10-CV-0136 scheduled for October 24, 2011.

The Clerk of the Court is directed to consolidate these matters and to mark case number 11-CV-1610 closed.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: September 15, 2011  
Central Islip, NY